

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ELVIN GONZALEZ MELENDEZ,
Plaintiff,

v.

CIVIL NO. 04-1067(DRD)

KMART CORPORATION,
Defendant

ORDER AND JUDGMENT

Plaintiff Elvin Gonzalez Melendez (“plaintiff”) has filed a *Motion in Reply to Order*. (Docket No. 78). Through said motion, plaintiff moves the Court to enter final judgment in the instant case provided that: (1) the remaining claim under Puerto Rico Act 80 does not meet the required jurisdictional amount of \$75,000.00, and (2) they wish to proceed with the appeals process as to the Court’s previous ruling regarding plaintiff’s failure to plead a slander cause of action.

Accordingly, the Court now **DISMISSES WITHOUT PREJUDICE** plaintiff’s only remaining cause of action under Puerto Rico Act 80, and **ENTERS JUDGMENT** in the instant case. This case is closed for all administrative purposes.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 19th day of April of 2006.

s/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE